

SUPPORTING NRCS TECHNICAL DETERMINATIONS OR TECHNICAL DECISIONS

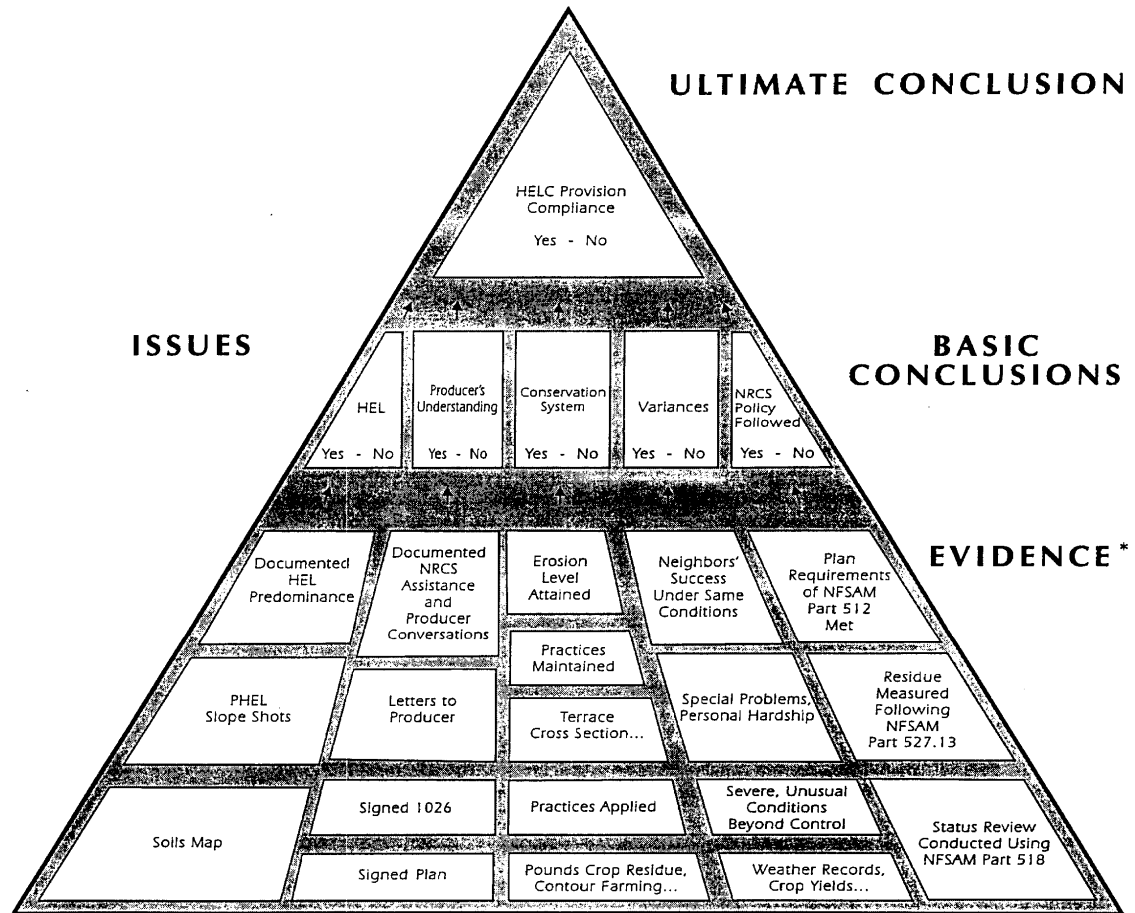
The constitutional form of government does not allow government agencies to make decisions that adversely affect people without reasons. For NRCS technical determinations or technical decisions to be "just" and "legal", prescribed "findings" must be made for the basis of the technical determination or technical decision. Such findings are the legal mechanism to reach a technical determination or technical decision without perfect information. Sound administrative records are full of findings and the reasons for them.

THE VALUE OF REASONS

1. Reasons reveal the thinking and judgment of the person(s) making the technical determination or technical decision.
2. Reasons build public confidence by making technical determinations or technical decisions according to the evidence.
3. Reasons are essential to the function of the appeal process. They enable the affected person(s) to judge whether or not there are grounds to challenge the technical determination or technical decision. Understanding the reasons for the technical determination or technical decision will reduce the number of appeals. Reasons also enable the reviewing authority to carry out the appellate function appropriately.
4. Reasons are part of the ideals of due process. The principles of natural justice and fairness cannot be carried out if government does not state its reasons for action.

The following diagram illustrates how the evidence supports the basic conclusion on each issue, and how the basic conclusions support the ultimate conclusion (decision).

SUPPORTING DECISIONS



* The examples of evidence listed are not intended to be all inclusive. Each issue should be analyzed to determine the type and amount of evidence needed to reach the basic conclusions.